

13th August 1954]

The amendment was put and lost.

Clauses 2, I and the Preamble were each separately put and carried.

* THE HON. SRI A. B. SHETTY :—“ Sir, I move—

‘ That the Madras Installation of Oil Engines (Temporary Permission) Bill, 1954, be passed into law.’ ”

MR. SPEAKER :—“ The question is—

‘ That the Madras Installation of Oil Engines (Temporary Permission) Bill, 1954, be passed into law.’ ”

The motion was put and carried and the Bill was passed into law.

(5) THE MADRAS HINDU RELIGIOUS AND CHARITABLE ENDOWMENTS (AMENDMENT) BILL, 1954.

THE HON. SRI B. PARAMESWARAN :—“ Mr. Speaker, Sir, I move—

‘ That the amendments specified in the annexure, being the amendments made by the Legislative Council to the Madras Hindu Religious and Charitable Endowments (Amendment) Bill, 1954 (L.A. Bill No. 27 of 1954), as passed by the Legislative Assembly, be taken into consideration :—

ANNEXURE.

(i) In Clause 3, after sub-section (3) of new Section 21, insert the following as sub-section (4) :—

“ (4) Nothing in this section shall be deemed to authorize any person, who is not a Hindu to enter the premises or place referred to in sub-section (1) or any part thereof.”

(ii) In clause 10, for the brackets, letter and word

“ (f) waste ”, substitute the following :—

“ (f) persistent and wilful waste.” ”

Sir, there is already a provision in Section 9 of the Act in this regard. There is also Section 21 (3) which says that only Hindus can enter temples. Therefore, there is no need for these amendments at all.”

SRI S. SWAYAMPRAKASAM :—“ Mr. Speaker, Sir, for the first time in the life of this Assembly, the Upper House has passed two amendments to a Bill passed by this House. That means they have bestowed so much thought on this Bill. The first amendment deals with the power of entry into temples by officials. When we consider the amendment that has been passed by the Council, it is our duty to see whether that amendment is necessary at all to advance the purposes of the Act. We must also consider whether it will not nullify the effects of the provisions of the Bill which the

[Sri S. Swayamprakasam] [13th August 1954]

Assembly has passed. When the House of Elders has suggested these amendments, it is proper on our part to consider all aspects of the question. As regards the first amendment, the Hon. the Minister has said that the spirit of the amendment is embodied already in the Act itself. Section 21 (3) clearly states that the officer who enters the temple shall have due regard to the customs, usages and practices of the institution. The amendment accepted by the other House makes a difference. It says that the person who enters the temple shall be a Hindu whereas the original Act does not say so. What we want in a secular State is that the person who enters the temple should have regard for the usages and practices of the temple. Otherwise, there will be a practical difficulty in carrying out the purposes of the Act. I shall illustrate this point. There may arise an occasion when entry into a temple would be very essential. If the amendment is to be endorsed by this House, this job cannot be carried out if the official happens to be a non-Hindu. The purposes of the Act in such a case cannot be carried out effectively. So, it is enough if the official has due regard for the usages and practices obtaining in the temple. This spirit is embodied in the Act itself and so this amendment is unnecessary. If we accept it, it would only nullify the effects of the provision which is already there."

* SRI M. NARAYANA KURUP :—" In my opinion, Sir, this amendment does not introduce any new principle. In fact, this is redundant. The existing provision says that the officer shall observe the customs and manners of the temple. If it is the custom in a particular temple that Hindus alone can enter it, then it means no other officer can enter it. Therefore, I think that it is only to show that the Upper House can also return a Bill to this House that this amendment was passed by the other House."

10-40
p.m.

* SRI K. VINAYAKAM :—" While supporting the arguments advanced by the previous speakers in opposition to the present amendment, I would like to point out to the Upper House . . .

MR. SPEAKER :—" Let there be no criticism of the Upper House."

* SRI K. VINAYAKAM :—" I am a Member of this House. I shall try to explain how the amendment is an absurd one. The Act is named the Madras Hindu Religious and Charitable Endowments Act, 1954. That very title clearly shows that it is a piece of legislation concerned with Hindu temples. Clause 3 of the present Bill which seeks to substitute a new section for Section 21 of the principal Act says in sub-section (3) of Section 21 of the principal Act that in entering the premises of a religious institution or place of worship, the person authorized by or under sub-section (1) or the police officer referred to in sub-section (2) shall, if practicable, give notice to the trustee and shall have *due regard to the practices and usages of the institution*. That shows clearly beyond any doubt that the practices and usages that are in vogue

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in any Hindu institution shall be respected. Beyond any reasonable doubt it is therefore clear that only Hindus shall enter a temple and not non-Hindus. Why then the present amendment? I am surprised at the Hon. Minister moving the amendment as passed by the Council."

MR. SPEAKER :—" He has only brought it to the notice of the House. He has not moved it."

SRI K. VINAYAKAM :—" No, Sir, if his speech were to be perused, what I say would be clear. Inasmuch as this amendment is an absurd one, let the Opposition be given an opportunity to oppose the amendment by moving a counter amendment. Let us take that credit."

MR. SPEAKER :—" The hon. Member can oppose it straightway."

* SRI K. VINAYAKAM :—" The present amendment is incorrect. It is unreal in its spirit. Therefore, it should be thrown out forthwith."

SRI M. KALYANASUNDRAM :—" கனம் சபாநாயகர் அவர்களே, இந்தத் திருத்தம் நம் முன்னால் வந்திருப்பது இந்த மசோதா நிறைவேறுவதைத் தடை செய்வதாகுமென்று நான் கருதுகிறேன். இந்தத் திருத்தத்திற்கு அவசியமே இல்லை. இதை நாம் வன்மையாக எதிர்க்க வேண்டியிருக்கிறது. எப்பொழுதும் நாங்கள் சொல்லிவந்திருக்கிறோம் மேல் சபை என்று ஒன்று இருப்பதே"

MR. SPEAKER :—" ஒரு தீர்மானத்தை வேண்டுமானால் கொண்டு வந்துவிடுங்கள். ஆனால், அந்த சபையினுடைய நடவடிக்கையைப்பற்றி நீங்கள் ஒன்றும் குறைகூறவேண்டாம்."

SRI M. KALYANASUNDRAM :—" அந்த சபையினுடைய விவாதத்தை நான் குறைகூறவில்லை. மேல்சபையைப்பற்றி நான் எதற்காகச் சொல்ல வேண்டியிருக்கிறதென்றால்"

* SRI N. GOPALA MENON :—" On a point of order, Sir. I find that the Legislative Council is very often spoken of as the Council of Elders and as the Upper House. I think that these two expressions are wrong. The Legislative Council is to be called neither as an Upper House nor as the Council of Elders. It should be merely called the 'Legislative Council', as no other expression is warranted by the Constitution."

MR. SPEAKER :—" It is merely a practice. It is not stated in the Constitution as an Upper House or as a House of Elders."

SRI M. KALYANASUNDRAM :—" நம்முடைய அற நிலைய மந்திரி அவர்களையும், அவர்கள் கட்சியையும், நான் குறை கூறவேண்டியிருக்கிறது. இந்தமாதிரி நிலைமைக்குக் காரணம் என்ன? மேல் சபை வேண்டாமென்று நாங்கள் அன்று தீர்மானம் கொண்டுவந்தபோது, அவர்களும் சேர்ந்து சாதகமாக வோட்டுச் செய்திருந்தால், இந்த மசோதாவானது ஏற்கெனவே சட்டமாக்கப்பட்டு இன்றைக்கு அமுலுக்கு வந்திருக்கும். நாங்கள் கொண்டுவந்த தீர்மானத்தை அன்றைக்கு காங்கிரஸ் கட்சியினர் எதிர்த்து வோட்டுளித்ததன் பலனை இன்றைக்கு அவர்கள் அனுபவிக்கின்றார்கள். இந்த மசோதாவை கனம் மந்திரி அவர்கள் அங்கு விளக்கக்

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சமய சமயத்தில் அங்குள்ள அங்கத்தினர்களுக்கு சரியாக, விளக்கமாக எடுத்துச் சொல்லாத காரணத்தினால் இந்த மசோதாவானது அங்கிருந்து திரும்பி வந்திருக்கிறதோ என்னவோ எனக்குத் தெரியவில்லை.

“இந்தத் திருத்தமானது, நண்பர் ஸ்ரீ நாராயண குருப் அவர்கள் எடுத்துக் காட்டிய மாதிரி ரொம்ப அர்த்தமற்றது. அவர்கள் மேலான யோசனையை இந்தத் திருத்தத்தின் மூலமாக கொடுக்கவில்லை. ஆகவே, இந்தத் திருத்தங்களை நான் எதிர்க்கிறேன். இந்த மசோதாவைச் சீக்கிரத்தில் நிறைவேற்றிவிட்டு நாம் செல்லலாம் என்பது என்னுடைய அபிப்பிராயம்.”

* SRI S. T. ADITYAN :—“ I rise to oppose the amendment, I mean the amendment passed by the Legislative Council and which is now before us. The amendment reads thus :

‘ (i) Clause 3, after sub-section (3) of new section 21, insert the following as sub-section (4) :—

“ (4) Nothing in this section shall be deemed to authorize any person who is not a Hindu to enter the premises or place referred to in sub-section (1) or any part thereof ”

I would like to bring to the notice of this hon. House that the relevant words are in the previous Section 21 of the old Act itself. But in the present Section 21 which has been proposed as a new section by the present Bill, it is said in sub-section (3) that in entering the premises of a religious institution or place of worship, the person authorized by or under sub-section (1) of the police officer referred to in sub-section (2) shall, if practicable, give notice to the trustee and shall have due regard to the practices and usages of the institution. In the light of this, let us see what follows from the amendment now proposed by the Legislative Council.

“ Let us take for argument's sake a temple wherein Christians and Muslims are permitted to enter. The amendment of the Legislative Council says that even supposing there is such a practice, viz., of allowing Christians and Muslims, the authorized officer, if he were to be a Christian or Muslim—should not enter the temple. That is what the amendment of the Legislative Council says. Take for instance, the temple at Palni. Muslims are allowed to enter up to certain portion of that temple. According to sub-section (3) of Section 21 as passed by this hon. House the practices and usages of the institution, which allow a Muslim to enter the temple at Palni, would be preserved. But according to the amendment made by the Legislative Council, no inspecting officer can enter the temple if he is a Muslim even though by custom, Muslims are allowed to enter a certain portion of the Palni temple. So it looks very unreasonable indeed.

“ So far as the Hindu religion is concerned, it is one of the oldest religions of the world and it is famous throughout the world because of its catholicity of outlook. That is why it is respected throughout the world. I may submit, in this connection, that the time is not far off when Muslims, Christians, Jains, Buddhists and one and all would be free to enter our Hindu temples without any obstruction. That time is not far off. The

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time is, therefore, not far off when we may have to amend the Madras Hindu Religious and Charitable Endowments Act so that any individual be he a Muslim, Christian, Jain or Buddhist would be allowed free entry into our temples.

“ Let me conclude by saying that this amendment is, therefore retrograde. That is why I say that this amendment need not and should not be accepted by this House.”

SRI A. GOVINDASWAMY NAYAGAR :—“ கனம் சபாநாயகர் அவர்களே, மேல் சபையால் நிறைவேற்றி இங்கு கொண்டுவரப்பட்ட திருத்தத்தை நான் எதிர்க்கிறேன். மத அடிப்படையில்தான் இந்த திருத்தம் அங்கு நிறைவேற்றியிருக்கிறது. ஆனம் கட்கியினர் எவ்வித எதிர்ப்புமின்றி, விவாதம் இல்லாமலேயே நிறைவேற்ற வேண்டுமென்ற நோக்கத்துடன் மசோதாவைக் கொண்டுவந்தார்கள். ஆனால் இந்த அர்த்த ராத்திரியில் நாம் கூடிப் பேசுவதற்கு சந்தர்ப்பம் அளிப்பது மதத்தின் அடிப்படையிலே ஏற்பட்ட விளைவின காரணமாகத்தான். அதனாலேதான் நான் பேசவேண்டியிருக்கிறது.

“ இப்போது மதச்சார்பற்ற சர்க்காரிலே இருக்கிறோம் என்பது தெரிந்திருந்தும், ஏதோ இந்து மதத்தைச் சேராத மற்றவர்கள் இந்துக்களுடைய கோயில்களில் வரக்கூடாது என்று சட்டம் இயற்றி இருப்பது அநியாயமாகும். துரிஞ்சில், நாம், பூனை எல்லாம் கோவில்களில் வரலாம் என்று இருக்கும் போது, மனிதர்கள் மத மாற்றம் காரணமாக வரக்கூடாது? இந்துக்களில் ஒரு சிலர் மற்ற மதத்தில் சேரும்படியான நிலைமை ஏன் ஏற்பட்டது என்பதற்கு மதத்தை அடிப்படையாகக் கொண்டிருக்கிற ஒரு சிலருடைய அந்த மத வெறிதான் காரணம். இந்துக்கள் தவிர மற்ற மதத்தினர்கள் வரக்கூடாது என்று மந்திரி அவர்கள் குறிப்பிட்டார்கள். இந்துக்கள் என்று கருதப்படுகிற ஆதி திராவிட மக்களை ஏன் கோவிலுக்குள் வரக்கூடாது என்று சம்பிரதாயப்படி தடுத்து வந்தார்கள் என்று நான் கேட்கிறேன். ஆலயப் பிரவேச சட்டம் வந்ததும்கூட ஏன் இந்த விதமான நிலைமை நீடிக்கிறது என்று சிந்தித்துப்பார்க்கவேண்டும். ஆண்டவன் சன்னதியிலே எல்லோரும் சமம். ஜாதி, மத பாகுபாடு கூடாது என்று ஆண்டவனுக்கு இலக்கணம் சொல்லுபவர்கள், இந்துக்கள் தவிர மற்ற மதத்தினர் வரக்கூடாது என்ற திருத்தத்தைக் கொண்டுவந்திருக்கிறார்கள். ஆதலால் இதை வாபஸ் வாங்கவேண்டுமென்று சொல்லக்கொண்டு நான் இதை எதிர்க்கிறேன்.”

SRI V. GOPALA GOUNDER :—“ Mr. Speaker, Sir, I oppose the amendment. I for one feel that even the sub-clause (3) of the proposed clause 21 is not necessary.” 10-50 p.m.

MR. SPEAKER :—“ We cannot change it now.”

SRI V. GOPALA GOUNDER :—“ Though we cannot change it now, I feel that that sub-clause itself is not necessary, because much mischief can be done under cover of the words ‘practices and usages of the institution.’ The proposed amendment is not at all necessary. I feel that there is some mischievous move behind the whole thing.”

* **THE HON. SRI B. PARAMESWARAN :—**“ Sir, I understood Mr. Kalyanasundram to say in the course of his speech that I did not explain in the Council the implications of this amendment. I did explain them. At one stage, the Mover of the amendment was inclined to withdraw it. But at a later stage he thought he

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should press it and pressed it. After moving the motion, I said that the amendment was unnecessary and I did not want to dwell upon it at length because I thought that it was not necessary."

MR. SPEAKER :—" The question is—

' In Clause 3, after sub-section (3) of new section 21, insert the following as sub-section (4) :—

" (4) Nothing in this section shall be deemed to authorize any person, who is not a Hindu, to enter the premises or place referred to in sub-section (1) or any part thereof." "

The amendment was put to vote and rejected unanimously.

MR. SPEAKER :—" The second amendment is now before the House for discussion."

SRI S. SWAYAMPRAKASAM :—" Sir, so far as this amendment is concerned, I must say that this is a wilful and mischievous amendment conceived by legal brains. Clause (f) provides for action to be taken when there is 'waste of the funds or properties of the institution of the application of such funds or properties for purposes unconnected with the institution.' What waste means is very clear. The amendment proposes that action can be taken only in the case of 'persistent and wilful' waste. The waste should be both persistent and wilful, and action cannot be taken if it is persistent or wilful. Persistent is objective whereas wilful is subjective. I think, in some judgments, the Judges of the Madras High Court have used these words. I think Mr. Justice Mack has used these words. A lawyer is responsible for taking those words and putting them here. To prove that a waste has been persistent and wilful is very difficult and even impossible on the face of the earth. Persistent waste means that the waste should be a continuous one, that is a person should go on wasting the funds. It is also difficult to prove that a waste is wilful, because we cannot know what is in the mind of the person who wastes the funds. The intention of the amendment is to encourage certain people to go on wasting the funds of religious institutions. So I strongly oppose the amendment."

* SRI S. T. ADITYAN :—" The learned and hon. Friend who preceded me said that the words 'persistent' and 'wilful' were taken from the judgment of the High Court. I think they have not been taken from the judgment of the High Court but that they have been taken from Section 52 (1) (f) of the parent Act which provides for taking action in the case of 'persistent and wilful default.' If a trustee is persistent and wilful in the disobedience of lawful orders, provision is made for taking certain action against him. The words 'persistent' and 'wilful' read well in that context. Those words are taken out of that context and put as an appellation or adjective to 'waste'. The result is that action can be taken when the waste is committed not once or twice but persistently. Secondly the waste should also be wilful. The

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waste may be to the tune of several lakhs of rupees, but even then the waste should have been wilfully and not negligently committed by the trustee. Action could be taken only when the waste is persistent *and* wilful and not even when it is persistent *or* wilful. For taking action, one has to wait till the waste becomes persistent and one has to go into the psychology of the person to see whether the waste is wilful. These conditions are impossible of performance. The imposition of these conditions is as good as saying that no action could be taken against a trustee who wastes the funds of the institution of which he is a trustee. I say that the Legislative Council has approved the amendment without going into the full implication of it. That is the most charitable construction that I can put upon it. Therefore my submission is that we should reject the amendment."

* SRI M. NARAYANA KURUP :—" Sir, I too feel that this amendment is unwarranted. We are dealing with the position of trustees. A trustee should be more careful about the trust property than about his private property. It is said that for taking action the waste should be wilful. Even through negligence, not a pie of the public funds should be wasted. To import such legal terms such as 'persistent' and 'wilful' in a legislation dealing with trustees, about which we are already in difficulties, will, I submit, create more complications. Without meaning any disrespect, I may say that the interpretation of law by Judge's very often runs counter to the intentionss of the progressive mind. For instance, if in an Act we provide for the payment of compensation, courts will import into it the meaning that the compensation should be just and sufficient. Therefore, even if we reject the amendment here, I do not know whether the courts will construe that the waste should be persistent, wilful and so on. However, the amendment is not at all necessary. To prove waste itself is very difficult; to make it persistent and also wilful will, I think, render the intentions nugatory. Therefore, I oppose the amendment."

* SRI T. C. NARAYANAN NAMBIAR :—" Sir, I rise to oppose the amendment made by the Legislative Council. To tell you the truth, I anticipated some such amendments. I wish to respectfully submit that the Legislative Council, or I should say at least some of its Members, are keen in watering down the provisions of a measure that this Assembly passes so that certain vested interests could be protected. As far as my experience goes . . ."

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p.m.

MR. SPEAKER :—" Whatever may be their intentions, motives should not be attributed to them. The hon. Member may speak on the amendment."

* SRI T. C. NARAYANAN NAMBIAR :—" While speaking on the amendment, I have to express the experience that we have gained outside the Legislature also. Almost 99 per cent of the hereditary trustees of the temples are Rajas, Zamindars and reactionary big landlords who loot the properties of the temples and utilize the funds of temples for their own personal interests,

[Sri T. C. Narayanan Nambiar] [13th August 1954]

If this amendment is accepted, we will only be helping those vested interests. This will merely amount to showing the green flag to such looters to loot more and more money. They will go on utilizing temple funds for their own personal interests. Therefore, Sir, I strongly oppose the amendment."

SRI C. H. KANARAN :—" മിസ്റ്റർ, സ്പീക്കർ, സാർ, തുടച്ചുവെയ്പും കരതി കൂട്ടിയും ക്ഷേത്രം സ്വത്തുകൾ ദുരുപയോഗപ്പെടുത്തുന്നതിനെപ്പറ്റിയാണ് ഇവിടെ പറയുന്നത്. ഈ ഭേദഗതികൊണ്ടു വരുന്നത് തുടച്ചുവെയ്പും കരതികൂട്ടിയും കക്ഷൻ അനുവദിക്കണം, അതു തെളിയുന്നതുവരെ കാത്തിരുന്നിട്ടേ നടപടി എടുക്കാവൂ എന്നാണ്. അതുകൊണ്ടു ഈ ഭേദഗതി തള്ളേണ്ടതാണെന്ന് ഞാൻ അഭിപ്രായപ്പെടുന്നു. "

SRI V. GOPALA GOUNDER :—" Mr. Speaker, Sir, I submit that the amendment is not at all necessary. By our adding the words 'persistent and wilful', we will only be helping clever trustees to escape the clutches of the law with the assistance of good lawyers. The amendment, if carried, will only give some food to the lawyers and will not help temples in getting full benefit from the property which belongs to them. I, therefore, oppose the amendment, Sir."

SRI R. V. SWAMINATHAN :—" Mr. Speaker, when the Members of the Congress party and also many public workers wanted to introduce a legislation like this, it was for the purpose of controlling the administration of these maths by street laws and regulations. As the funds entrusted with the trustees were wasted and not properly used, we wanted to stop such wastage of public funds and control the administration of such religious institutions. Sir, some people, speaking on behalf of these trustees and matadhipatis say, 'Oh, you are mistaken. These matadhipatis and trustees will never waste a single pie. They are very good people. They are above all these things like the Buddhist monks.' Sir, the Buddhist monks in Burma will never touch money. It seems they should not touch it. That is why those people use to take small boys with them when they go on travel. These boys will have the money-purse. Whenever they want money for some purpose, they use to call these boys and ask them to pay for the ticket and other expenses. Thus, these boys spend money for the monks. Some of the monks do not even trust these boys. So, they will take the boys with them but will not leave the money-purse with the boys. They will keep the money-purse with them somewhere in their waist. Whenever they want to spend money, they call these boys, ask them to take the purse from their waist and pay for the expenditure. They, however, take back the purse from the boy and keep the same with them as before.

" Sir, I am very glad that the mover of the amendment in the other House has openly come out with this amendment. He has not said that the matadhipatis and trustees are not wasting money. He has in a way admitted that they are wasting money. He only says, 'Don't take any action against those people if they waste money once or twice. If they persistently and wilfully waste

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money, then you can take action against them.' Sir, though he has admitted the fact that the matadhipatis and trustees are wasting public funds, it is not possible to accept his argument. Therefore, I oppose the amendment. Sir, I am very glad that the Opposition Members have very vehemently supported the Government in this matter."

SRI M. KALYANASUNDRAM :—“ கனம் சபாநாயகர் அவர்களே, 11-05 p.m.
இந்தத் திருத்தங்கள் நம்முடைய சபையிலுள்ள எல்லாக் கட்சிகளையும் ஒன்று படுத்தி இருப்பதைக் குறித்து நான் ரொம்பவும் சந்தோஷப்படுகிறேன். கட்சி வித்யாசம் இல்லாமல் எல்லோரும் உத்சாகத்துடனும், சந்தோஷத்துடனும் இந்த அகாலத்தில், அதுவும் குளிர்ந்த நேரத்தில் எல்லோரும் இந்த திருத்தங்களை ஆதரிப்பது ஒரு வரவேற்கத்தகுந்த அம்சமாக இருக்கிறது. இந்தத் திருத்தங்களை வன்மையாக எதிர்க்கும்போது ஒரு சந்தேகமும், ஆச்சர்யமும் ஏற்படுகிறது. நம்முடைய மந்திரி அவர்கள் எந்தக் கட்சியைச் சேர்ந்தவராக இருக்கிறாரோ அந்தக் கட்சிதான் அங்கே மெஜாரிட்டியாக இருக்கிறது. அப்படி இருந்தும் ஏன் இந்தத் திருத்தங்கள் ஒப்புக்கொள்ளப்பட்டன என்பதுதான் தெரியவில்லை. கனம் மந்திரி அவர்கள் இதைப்பற்றி மிக வன்மையாக எடுத்துச் சொல்லியும் இது ஏன் தோற்கடிக்கப்படவில்லை என்பதுதான் தெரியவில்லை. அதனால்தான் மீண்டும் கனம் மந்திரி அவர்கள் நம்முடைய ஆதரவை நாடுகிறார். இவ்விதம் கட்சி மெஜாரிட்டியாக இருந்தம்கூட அவர் கட்சி ஏன் தோற்றது என்பதைக் கேட்க எங்களுக்கு உரிமை உண்டு. இவ்விதம் தோற்றதற்கு அவர்களுடைய கட்சி அங்கத்தினர் களுக்கு வோட்டளிக்க சுதந்திரம் கொடுக்கப்பட்டதா அல்லது அவர்கள் தங்களுடைய கட்சிக் கட்டுப்பாட்டை மீறி வோட்டளித்தார்களா என்பது விளங்கவில்லை. ஏன் சர்க்கார் தோற்றது? அதன் விளைவு என்ன என்பதைக் கேட்க எங்களுக்கு உரிமை உண்டு.

“அடுத்தபடியாக திருத்தங்களைப்பற்றி பேச விரும்புகிறேன். இந்த திருத்தங்களைப்பற்றி பல மெம்பர்கள் வன்மையாகக் கண்டித்திருக்கிறார்கள். தர்ம ஸ்தாபன சொத்துக்களையும், பொது சொத்துக்களையும் விரயம் செய்யாமல் இருக்க ஒரு கட்டுப்பாடு வேண்டும் என்று இந்த திருத்தம் சொல்ல வேண்டுமே தவிர வேறு இல்லை. பொது சொத்துக்களும், தர்ம சொத்துக்களும் கொள்ளையடிக்கப்படுகின்றன. அதைக் கட்டுப்படுத்த வேண்டும் என்று சொல்லுகிறபோது அப்புடிக்கட்டுப்படுத்தக்கூடாது என்று திருத்தம் கொண்டுவருவது கொள்ளையடிப்பதை . . .”

MR. SPEAKER :—“ கனம் அங்கத்தினர் திருத்தத்தைப்பற்றித்தான் பேசவேண்டுமே தவிர திருத்தம் கொண்டுவந்தவர்களைப்பற்றி பேசக்கூடாது. திருத்தங்களைப்பற்றியே நாம் ஆராய்வோம்.”

SRI M. KALYANASUNDRAM :—“ நான் சொல்லி முடிப்பதற்குள் நீங்கள் சொல்லிவிட்டீர்கள். நான் இன்னும் என்னுடைய வாக்கியத்தையே முடிக்கவில்லையே. திருத்தம் கொண்டுவந்தவர்களைப்பற்றி எனக்குத் தெரியாது. இப்பொழுது நிறைவேற்றப்பட்ட திருத்தம் ஒப்புக் கொள்ளப்பட்டால் என்னவாகும் என்றால் பொது சொத்துக்கள் எப்படியாகியும் பேரக்கடும்; யார் வேண்டுமென்றாலும் துர்விநியோகம் செய்யட்டும்; அதைப்பற்றி கேட்பதற்கு ஒருவரும் இருக்கக்கூடாது என்ற நிலைமை ஏற்படும் என்று சொல்லுகிறேன். இந்தத் திருத்தங்களை பிர்ரோபித்தவர்களுடைய நோக்கத்தைப்பற்றி நான் சந்தேகிக்கவே இல்லை. இந்தத் திருத்தங்களை ஏற்றுக்கொண்டால் தர்ம ஸ்தாபன சொத்துக்களும், பொது சொத்துக்களும் கொள்ளையடிக்கப்பட்டுவிடும். கொள்ளையடிப்பதற்கு சாதகம் ஏற்படும். அதற்கு வசதியும் ஏற்படும். அதற்காக நம்பீது குற்றம் சாட்டப்படும். ஆகையால் இந்த சபை இந்தத் திருத்தங்களை எதிர்க்க வேண்டும் என்று கேட்டுக்கொண்டு இத்துடன் முடித்துக்கொள்ளுகிறேன்.”

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11-10
p.m.

* THE HON. SRI B. PARAMESWARAN :—“ Mr. Speaker, Sir, though it may not be proper on my part to explain the circumstances under which this amendment was defeated in the other House, I only wish to say that nobody on the Congress side expected that an amendment of this sort would be passed. Further we expected the Member who moved the amendment to withdraw it. Subsequently, he pressed it.

“ Anyhow, that is not the point for our consideration here. Let us not go into the causes which were responsible for bringing this amendment again to this House. All that I wish to say now is that I consider the words ‘ persistent and wilful ’ as unnecessary. I do not want to add anything to what has already been said by the hon. Members who have spoken before me.”

MR. SPEAKER :—“ The question is—

‘ In clause 10, for the brackets, letter and word “ (f) waste ”, substitute the following :—

“ (f) persistent and wilful waste.” ’

The amendment was put and rejected unanimously.

VI.—GOVERNMENT MOTIONS—cont.

(2) AMENDMENT TO SCHEDULE IV TO THE MADRAS CITY MUNICIPAL ACT, 1919.

* THE HON. SRI S. S. RAMASAMY PADAYACHI :—“ Sir, I beg to move that—

‘ The following draft of a rule proposed to be made by the Governor of Madras in exercise of the powers conferred by Section 347 of the Madras City Municipal Act, 1919 (Madras Act IV of 1919), altering Schedule IV to that Act be approved :—

DRAFT RULE.

In the said schedule, in rule 14, for the words “ within fifteen days ”, the words “ within thirty days ” shall be substituted.’ ”

MR. SPEAKER :—“ The motion is that—

‘ The following draft of a rule proposed to be made by the Governor of Madras in exercise of the powers conferred by Section 347 of the Madras City Municipal Act, 1919 (Madras Act IV of 1919), altering Schedule IV to that Act be approved :—

DRAFT RULE.

In the said schedule, in rule 14, for the words “ within fifteen days ”, the words “ within thirty days ” shall be substituted.’ ”

SRI M. KALYANASUNDRAM :—“ கனம் சபாநாயகர் அவர்களே, இந்தத் திருத்தமானது வரவேற்கக்கூடியதாயிருந்தாலுங்கூட, இதைக் கொண்டுவந்திருக்கக்கூடிய முறையை என்னால் வரவேற்க முடியவில்லை. இந்த நேரத்தில் சபை நடக்கும் என்று யாரும் எதிர்பார்க்கவில்லை. அப்படி